

11 CRIM 696

FILED

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2011 AUG -4 P 4: 55

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA)

v)

Criminal Case No.: 1:11-CR-381

HECTOR XAVIER MONSEGUR,)

a/k/a "Sabu,")

Count 1: Computer Fraud
(18 U.S.C. § 1030(a)(5)(A))

a/k/a "Xavier DeLeon,")

a/k/a "Leon,")

UNDER SEAL

Pursuant to Local Rule 49(G)

Defendant.)

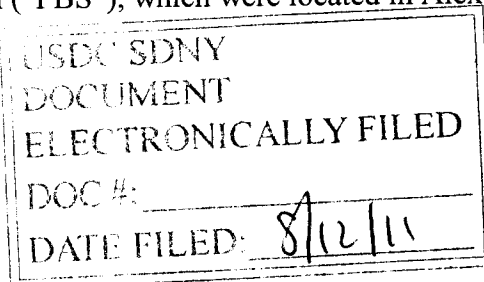
CRIMINAL INFORMATION

COUNT ONE

(Computer Hacking of PBS)

THE UNITED STATES ATTORNEY CHARGES:

From in or about May 2011 through in or about June 2011, in the Eastern District of Virginia, the Southern District of New York, and elsewhere, HECTOR XAVIER MONSEGUR, a/k/a "Sabu," a/k/a "Xavier DeLeon," a/k/a "Leon," the defendant, willfully and knowingly caused the transmission of a program, information, code and command, and, as a result of such conduct, intentionally caused damage without authorization to a protected computer, and thereby caused at least \$5,000 in harm to one and more persons during a one-year period, to wit, MONSEGUR, while using a computer located in New York, New York, within the Southern District of New York, together with others, intentionally accessed without authorization the computer servers of the Public Broadcasting System ("PBS"), which were located in Alexandria,




Virginia, within the Eastern District of Virginia, and stole confidential information and defaced PBS's website, PBS.org, causing at least \$5000 in damage.

(In violation of Title 18, United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) & 2.)

Respectfully Submitted,

Neil H. MacBride
United States Attorney

By:



John Eisinger
Virginia Bar No. 65428
Attorney for the United States
U.S. Attorney's Office
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11 CRIM 696 CLOSED

**U.S. District Court
Eastern District of Virginia - (Alexandria)
CRIMINAL DOCKET FOR CASE #: 1:11-cr-00381-TSE All Defendants *SEALED*
Internal Use Only**

Case title: USA v. Monsegur

Date Filed: 08/04/2011

Date Terminated: 08/08/2011

Assigned to: District Judge T. S. Ellis, III**Defendant (1)****Hector Xavier Monsegur***TERMINATED: 08/08/2011***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts18:1030(a)(5)(A), 1030(c)(4)(B)(i)&2
Computer Fraud
(1)**Disposition**

Rule 20

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition**Plaintiff**

USA

represented by **John Frank Eisinger**
US Attorney's Office (Alexandria)
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3906
Fax: (703) 299-3981

Email: ausa@eisinger.net
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/04/2011	<u>1</u>	INFORMATION as to Hector Xavier Monsegur (1) count(s) 1. (krob,) (Entered: 08/05/2011)
08/04/2011	<u>2</u>	Redacted Criminal Case Cover Sheet (krob,) (Entered: 08/05/2011)
08/04/2011	<u>3</u>	(Court only) Defendant Information Sheet (krob,) (Entered: 08/05/2011)
08/04/2011	<u>4</u>	NOTICE by USA as to Hector Xavier Monsegur (krob,) (Entered: 08/05/2011)
08/04/2011	<u>5</u>	NON-CONFIDENTIAL Memorandum by USA as to Hector Xavier Monsegur (krob,) (Entered: 08/05/2011)
08/04/2011	<u>6</u>	MOTION to Seal Case by USA as to Hector Xavier Monsegur. (krob,) (Entered: 08/05/2011)
08/04/2011	<u>7</u>	ORDER granting <u>6</u> Motion to Seal Case as to Hector Xavier Monsegur (1). Signed by District Judge T. S. Ellis, III on 8/4/11. (krob,) (Entered: 08/05/2011)
08/08/2011	<u>8</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Southern District of New York Counts closed as to Hector Xavier Monsegur (1) Count 1. (krob,) (Entered: 08/09/2011)
08/08/2011		(Court only) ***CLOSED flag(s) set. (krob,) (Entered: 08/09/2011)

FORM OBD-101 Formerly USA-18
8-27-74

11 CRIM 696

RULE 20—TRANSFER—NOTICE

TO: Neil H. MacBride, USA, EDVA By: John Eisinger, AUSA	DISTRICT EDVA	DATE August 4, 2011
NAME OF SUBJECT Hector X. Monsegur	STATUTE VIOLATED 18 USC 1030	FILE DATA (Book and Number) 11 Cr. 666 (LAP)

PART A—DISTRICT OF ARREST

- ☒ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your district. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is certified copy of waiver of indictment executed by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☒ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceedings or certified copies thereof to the Clerk of the Court in this district in accordance with Rule 20. Docket No. 1:11-CR-381
- ☐ Other (Specify):

- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- DATE OF PLEA DATE OF SENTENCE SENTENCE

FROM (Signature and Title) <i>Preet Bharara</i> Preet Bharara, USA, SDNY By: James Pastore, AUSA	ADDRESS One St. Andrew's Plaza New York, NY 10007
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PART B—DISTRICT OF OFFENSE

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock.
(Kindly notify me of any anticipated delay.)
- ☒ Enclosed are two certified copies of indictment or information. Docket No. 1:11-CR-381
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):

SIGNATURE (Name and Title) NEIL H. MACBRIDE BY <i>AB</i> Neil H. MacBride, U.S. Attorney, EDVA By: John Eisinger, AUSA	DISTRICT EDVA	DATE 08/08/11
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See United States Attorneys Manual, Title 2, pp. 11-16.2 and United States Attorneys Bulletin (Appendix) Vol. 9, No. 20, October 6, 1961, for an explanation of procedures under Rules 7 and 20, Federal Rules of Criminal Procedure. See also Title 4, p. 44.1, United States Attorneys Manual.

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